

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ARNOLDO SANCHEZ

VS.

WAL-MART STORES TEXAS, LLC,
WAL-MART STORES, INC..
and
“WAL-MART SUPERCENTER STORE
#4508”

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CIVIL ACTION NO. _____
(DIVERSITY)

NOTICE OF REMOVAL OF ACTION UNDER
28 U.S.C. § 1441(B) (DIVERSITY)

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant, **WAL-MART STORES TEXAS, L.L.C.**, improperly named as Wal-Mart Stores, Inc. and “Wal-Mart Supercenter Store #4508,” hereby removes to this Court the state court action described below.

1. On October 31, 2017, an action was commenced in the 92nd Judicial District Court of Hidalgo County, Texas, entitled *Arnoldo Sanchez vs. Wal-Mart Stores Texas, LLC, Wal-Mart Stores, Inc., and “Wal-Mart Supercenter Store #4508”* in cause number C-4891-17-A.

2. The first date upon which Defendant received a copy of the said complaint was January 9, 2018, when Defendant was served with a copy of the said complaint and a citation from the said State Court. A copy of the citation is *attached hereto as Exhibit B*. In accordance with Local Rule 81, the following constitutes all of the executed process, pleadings, and orders served upon Plaintiff and Defendant in this action:

- a) Plaintiff's Original Petition, Jury Demand and Request for Disclosure;
- b) Copy of Return Citation of Defendant Wal-Mart Stores, Inc.;
- c) Docket Sheet - State Court;
- d) Defendant's Original Answer, Affirmative Defenses to Plaintiff's Original Petition and Request for Disclosure;
- e) Defendant's Request for Jury Trial; and
- f) Defendant's Certificate of Written Discovery.

In addition and in accordance with the Local Rule, Defendant includes a copy of the docket sheet of the state court matter *a copy of which is attached hereto as Exhibit C*.

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action wherein the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between citizens of different states. On January 9, 2018 Plaintiff served to Defendant Plaintiff's Original Petition. *Exhibit A*. In this Original Petition, Plaintiff pleads that he is seeking monetary damages over \$75,000. As such, removal is appropriate pursuant to 28. U.S. § 1441(b).

4. Defendant is informed and believes that Plaintiff was and still is citizen of the State of Texas and resident of Hidalgo County, Texas.

5. Defendant, Wal-Mart Stores Texas, L.L.C., was, at the time of the filing of this action, and still is, a corporation incorporated under the laws of the State of Delaware, having its principal place of business in the State of Arkansas, and has been served summons and complaint in this action.

6. Copies of all pleadings, process, orders and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. §1446(a).

7. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

8. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

9. Plaintiff did demand a jury in the state court suit. Defendant likewise demanded a jury in the state court suit.

10. For the foregoing reasons, Defendant asks the Court to remove the suit to The United States District Court, Southern District of Texas, McAllen Division.

DATED: **February 7, 2018**

Respectfully submitted,

/s/ Jaime A. Drabek

Jaime A. Drabek, Attorney-in-Charge

Federal ID No. 8643

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ATTORNEYS FOR DEFENDANTS,

WAL-MART STORES TEXAS, L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served via electronic mail on all known counsel of record on the **7th day of February, 2018**, to-wit:

Mr. Adam J. Flood

STERN LAW GROUP

4909 Bissonnet St., Suite 100

Bellaire, Texas 77401

Telephone: (713) 661-9900

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/s/ Jaime A. Drabek

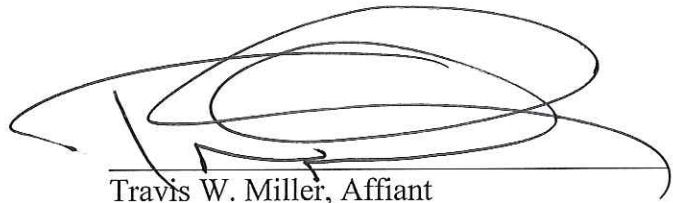
Jaime A. Drabek

THE STATE OF TEXAS §
§
COUNTY OF HIDALGO §

AFFIDAVIT

BEFORE ME, the undersigned authority, on this day personally appeared Travis W. Miller of McAllen, Hidalgo County, Texas, who being by me duly sworn, deposes and says that he is an attorney for Defendant in the present cause filed by Arnoldo Sanchez; that he has been authorized to make this Affidavit; and that he has read the foregoing Notice of Removal and knows the contents thereof, and that the matters and facts therein contained are true and correct.

FURTHER AFFIANT SAYETH NOT.



Travis W. Miller, Affiant

SWORN TO AND SUBSCRIBED before me on February 7, 2018, by the said Travis W. Miller.



Genevieve Andrea Garcia
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS